

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:07-CR-205-01</b>
	:	<b>1:07-CR-205-02</b>
v.	:	<b>1:07-CR-205-05</b>
	:	
<b>AVERY L. SOLLENBERGER,</b>	:	<b>(Judge Conner)</b>
<b>DENA SOLLENBERGER, and</b>	:	
<b>LUANNE L. HUNSINGER,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 4th day of October, 2007, upon consideration of the motions for a bill of particulars (Docs. 61, 62, 63), filed by defendants Avery L. Sollenberger, Dena Sollenberger, and Luanne L. Hunsinger, and it appearing that a motion for a bill of particulars should be granted if “the government’s failure to allege factual or legal information in the indictment significantly impairs the defendant’s ability to prepare his defense or is likely to lead to prejudicial surprise at trial,” United States v. O’Driscoll, 203 F. Supp. 2d 334, 348 (M.D. Pa. 2002) (citing United States v. Rosa, 891 F.2d 1063, 1066 (3d Cir. 1989)), but that a motion for a bill of particulars should not be used as a discovery device “to provide the defendant with the fruits of the government’s investigation,” O’Driscoll, 203 F. Supp. 2d at 348 (citing United States v. Smith, 776 F.2d 1104, 1111 (3d Cir. 1985)), and the court finding that the indictment in the above-captioned case is sufficiently particular to inform the moving defendants of the charges against them and to allow them to prepare an appropriate defense, (see Doc. 1); see also United States v. Serafini, 7 F. Supp. 2d

529, 547 (M.D. Pa. 1998),<sup>1</sup> and that defendants' request for the identities of all unindicted co-conspirators has been fulfilled by the government (see Doc. 99 at 7), it is hereby ORDERED that the motions for a bill of particulars (Docs. 61, 62, 63) are DENIED. See FED. R. CRIM. P. 7(f).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> The 170-paragraph indictment describes the objective of the alleged conspiracy (see Doc. 1 ¶ 14) and the method of its commission (see id. ¶¶ 15-35). The indictment also identifies hundreds of overt acts performed in furtherance of the alleged conspiracy (see id. ¶¶ 36-170).